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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,111	02/21/2002	Ting-Wah Wong	PSS.0029P7US	4390

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EXAMINER

NADAV, ORI

ART UNIT PAPER NUMBER

2811

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/081,111

Applicant(s)

WONG ET AL.

Examin r

ori nadav

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-- The MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-24 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 and 27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-10,20-24,26 and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 31-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed limitations of a resistor acting as a high impedance relative to a junction capacitance within the triple well, as recited in claims 31 and 37, is unclear as to how an impedance can be compared to (being high relatively to) a capacitance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-10, 20-24, 26 and 31-37, insofar as in compliance with 35 U.S.C. 112, are rejected under 35 U.S.C. 103(a) as being unpatentable over Momohara

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(6,055,655) in view of Ng (Complete guide to semiconductor devices, page 109) and Applicant Admitted Prior Art (AAPA).

Momohara teaches in figures 22A and 24 and related text a method comprising:

forming a circuit element PMOS14 (figure 24) over a triple well 25-7, 22-7 in a substrate 10; and biasing a well of the triple well, forming a P-type well 25-7 in an N-type well 22-7 formed in the substrate, including biasing the N-type and P-type wells and providing a common bias potential to different wells, forming a complementary metal oxide semiconductor transistor over a triple well and biasing at least one of the wells of the triple well, forming a plurality of triple wells in the substrate and forming a circuit element over each of the triple wells, biasing at least one well of each of the triple wells through a common potential, wherein each of the potentials being applied to the wells.

Momohara does not teach biasing a well of the triple well through a resistor and using the analog circuit as a radio frequency circuit.

Ng teaches on page 109, section 12.4 that the two main functions of a resistor are to limit current flow and to produce a voltage source from the current flow.

AAPA teaches on page 1, lines 21-22 that a radio frequency circuit is an analog circuit. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a radio frequency circuit in Momohara's analog circuit, and to supply voltage to Momohara's device through a resistor in order to use the device in its intended use, in an application which requires a radio frequency circuit, and in order

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to provide the required voltage to the wells by using a well known voltage biasing method for distributing voltage to the device, respectively.

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding claims 4, 5, 10, 20, 21, 24, 34 and 35, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to bias a first well through a first resistor with a first bias potential, and to bias a second well through a second resistor, and to couple the first bias potential to the first and second wells through a common trace to a supply potential in Momohara's device, in order to operate Momohara's device by supplying accurate voltage in a well known and simple method. The combination is motivated by the knowledge known to an artisan that the main function of a resistor is to provide accurate voltage source to semiconductor devices by distributing voltages across various resistors to determine the exact current required in each part of the device.

Regarding claims 7, 26 and 36, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use resistors having a resistance

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greater than one hundred ohms in Momohara's device in order to provide the required voltage to the device.

Regarding claims 2, 22 and 32, AAPA teaches that a radio frequency circuit comprises an inductor.

Regarding claims 31 and 37, the claimed limitations of a resistor acting as a high impedance relative to a junction capacitance within the triple well, these features are inherent in Momohara's device, because Momohara's structure is identical to the claimed structure.

Response to Arguments

5. Applicant argues that prior art does not suggest the advantages of using resistor bias at radio frequency.

The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722

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and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(703) 308-8138**. The Examiner is in the Office generally between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas, can be reached at **(703) 308-2772**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308-0956**.

A handwritten signature in black ink, appearing to read 'Ori Nadav', is positioned above the printed name and title.

O.N.
April 4, 2003

ORI NADAV
PATENT EXAMINER
TECHNOLOGY CENTER 2800